

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

**IN RE: BRCA1—AND BRCA2—BASED  
HEREDITARY CANCER TEST PATENT  
LITIGATION**

**ORDER FOLLOWING ORAL  
RULINGS**

MDL Case No. 2:14-MD-02510-RJS

Judge Robert J. Shelby

Order relates to Case Nos.:

2:13-cv-00640  
2:13-cv-01049  
2:14-cv-00153  
2:14-cv-00150  
2:14-cv-00443

---

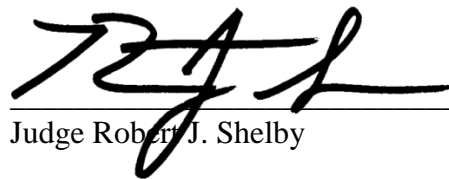
Before the court are eight Motions relating to five cases pending in this MDL. For the reasons stated at the hearing on these Motions held September 5, 2014, the court rules and orders as follows:

1. Plaintiffs' (University of Utah Research Foundation, et al.) Motion for Leave to File Second Amended Complaint (Dkt. 76 in Case No. 2:13-cv-00640) is GRANTED;
2. Defendant Invitae Corporation's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 12 in Case No. 2:13-cv-01049) is GRANTED;
3. Plaintiffs' (University of Utah Research Foundation, et al.) Motion to file Supplemental Complaint (Dkt. 87 in this MDL case, relating to Case No. 2:13-cv-01049) is DENIED;

4. Plaintiff Invitae Corporation's Motion to File First Amended Complaint for Declaratory Judgment (Dkt. 77 in this MDL case, relating to Case No. 2:14-cv-00153) is GRANTED;
5. Defendant Myriad Genetics Inc.'s Motion to Dismiss Invitae Corporation's Complaint (Dkt. 86 in this MDL case, relating to Case No. 2:14-cv-00153) is DENIED;
6. Defendant Myriad Genetics Inc.'s Motion to Dismiss or Transfer Counsyl, Inc.'s Complaint (Dkt. 26 in Case No. 2:14-cv-00150) is DENIED;
7. Defendant Counsyl, Inc.'s Motion to Dismiss (Dkt. 93 in this MDL case, relating to Case No. 2:14-cv-00443) is GRANTED;
8. Plaintiff Counsyl, Inc.'s Motion for Sanctions (Dkt. 94 in this MDL case, relating to Case No. 2:14-cv-00150) is DENIED;

SO ORDERED this 15<sup>th</sup> day of September, 2014.

BY THE COURT:



---

Judge Robert J. Shelby